

MINUTES

City of Carrollton Mayor and Council Meeting

September 14, 2009

6:00 p.m.

**Public Safety Complex, Court/Council Chambers, 115 West Center Street,
Carrollton, Georgia**

I. CALL TO ORDER

The Mayor and City Council met in a special called meeting on Monday, September 14, 2009 at 6:00 p.m. at the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Peter Balega, Councilmember Gerald Byrd, and Councilmember Mandy Maierhofer. Members absent: None. (Ward II Councilmember seat vacant). At this time, Mayor Garner explained the meeting procedures to meeting attendees.

II. INVOCATION

Councilmember Gerald Byrd offered the invocation.

III. CITIZEN COMMENTS

Mr. Earl Phillips and the Manager of Woodglen Apartments expressed concerns over drug issues at the Woodglen Apartment Complex and the Police Department not responding to their telephone call in a timely manner. Captain Chris Dobbs of the Police Department advised that during the same timeframe of the phone call from Woodglen Apartments, the Police Department received a call regarding gunshots being fired, which took priority of the previous call. Mayor Garner advised that the Police Department would look into the matter.

Mr. Spidey Lee of 125 Jamey Court expressed concerns to the Mayor and Council regarding the \$500,000 GEFA loan and other matters.

IV. MINUTES (July 13, 2009)

Motion by Councilmember Balega, seconded by Councilmember Maierhofer to approve the minutes of the July 13, 2009 Meeting of the Mayor and Council. Motion passed 4 – 0. (Ward II Councilmember seat vacant).

V. ITEMS OF DISCUSSION

1. Resolution: Danny N. Mabry Theatre

City Clerk Jim Triplett read a Resolution naming the Carrollton Cultural Arts Center Theatre the “Danny N. Mabry” Theatre in honor of the life and contributions of Danny N. Mabry.

2. Rezoning Request: Rezone from R-O-I (Residential Office-Intuitional) to O-I (Office-Institutional)

Property Location: 206 Mandeville Avenue

Petitioner: Mable Allen on behalf of Nightingale Song

Personal Care Home

At the request of the petitioner, this Agenda item was withdrawn.

Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to allow petitioner to withdraw the request. Motion passed (4 – 0). (Ward II Councilmember seat vacant).

3. Rezoning Request: Rezone from R-15 (Single Family Residential) to R-M (Residential Multi-Family)

Property Location: 209 Clifton Terrace

Petitioner: Zane Hetzel on behalf of Arden

International Properties, LLC

A public hearing was held to receive citizen input on a request from petitioner Zane Hetzel, on behalf of Arden International Properties, LLC to rezone property located at 209 Clifton Terrace from R-15 (Single Family Residential) to R-M (Residential Multi-Family) for use as a personal care home for up to four (4) individuals. Planning & Zoning Administrator Charles Griffin advised that the Planning Commission has recommended approval of the rezoning request. At this time Mayor Garner opened the public hearing to receive citizen input on the matter. Those speaking in favor: Petitioner Zane Hetzel and Melinda Harris speaking on behalf of Arden International Properties, LLC. Those speaking opposed: None. At this time, Mayor Garner closed the public hearing and inquired as to the wishes of the Council. **Motion by Councilmember Byrd, seconded by Councilmember Balega to accept the Planning Commission's recommendation and approve the rezoning of property located at 209 Clifton Terrace from R-15 (Single Family Residential) to R-M (Residential Multi-Family) for use as a personal care home for up to four (4) individuals. Motion passed (4 – 0). (Ward II Councilmember seat vacant).**

4. Resolution 07-2009: Sunday Sales of Alcoholic Beverages

City Manager Coleman presented to the Mayor and Council for their consideration Resolution 07-2009: Sunday Sales of Alcoholic Beverages. CM Coleman advised that several requests from citizens have been made to allow the sale of alcohol (by the drink) on Sundays. CM Coleman advised that in order to proceed with the process, approval of Resolution 07-2009 to authorize of the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in certain establishments is necessary. CM Coleman informed the Mayor and Council that should the Mayor and Council favor allowing a referendum vote regarding "Sunday Alcohol Sales", the process would be as follows:

1. Mayor and Council approve allowing the referendum for the citizens of Carrollton, Georgia to allow Sunday sales of alcohol by the drink.
2. Ballot question is placed on the next General Election Ballot (November 3, 2009).

**Special Referendum Election
City of Carrollton, Georgia
(Vote for One)**

**"Shall the governing authority of the City of Carrollton
be authorized to permit and regulate Sunday sales of
distilled spirits or alcoholic beverages for beverage
purposes by the drink?"**

Yes

No

3. If majority vote is affirmative, the Carrollton Alcohol Ordinance is amended allowing the sale of alcohol, by the drink, on Sundays.

Motion by Councilmember Maierhofer, seconded by Councilmember Balega to approve Resolution 07-2009: Special Referendum Election to seek public approval to authorize the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in certain establishments. Motion passed (4 – 0). (Ward II Councilmember seat vacant).

5. Resolution 08-2009: Amendment - Lake Carroll Rules and Regulations

City Manager Coleman presented to the Mayor and Council for their consideration Resolution 08-2009: Amendment to Lake Carroll Rules and Regulations. CM Coleman advised that the Recreation Commission has requested that the Mayor and Council consider amending Ordinance # 70-26 (2) – Rules and Regulations for Lake Carroll. CM Coleman noted that currently, permits are issued on a basis of January through December, expiring on December 31st, which limits the amount of time that permits are good for if bought during the peak use season on the Lake. CM Coleman informed the Mayor and Council that if it is their desire to amend the ordinance, a permit purchased on July 1st would expire on June 30th of the following year and dates of expiration would be placed on the permits for review by the persons patrolling the lake.

Motion by Councilmember Maierhofer, seconded by Councilmember Balega to approve Resolution 08-2009 – Amendment to Lake Carroll Rules and Regulations to Allow Watercraft Permits to be Valid for One (1) Year and to Expire One (1) Year from the Date of Purchase. Motion passed (4 – 0). (Ward II Councilmember seat vacant).

6. Tax Abatement – Archer Properties (West Carrollton Enterprise Zone Program)

Planning & Zoning Administrator Charles Griffin presented to the Mayor and Council for their consideration a request for tax abatement from Mr. George Connell of Archer Properties, LLLP for the Campus Quad and Mayfair Apartments pursuant to the West Carrollton Enterprise Zone Program. PZA Griffin advised that the Carroll County Board of Commissioners voted unanimously to approve the request to abate the County ad valorem tax for both Mayfair and Campus Quad apartments. Mr. Dick Tisinger, Attorney representing Archer Properties spoke on behalf of the matter.

Motion by Councilmember Byrd, seconded by Councilmember Maierhofer to approve a Tax Abatement request from Archer Properties, LLLP for the Campus Quad and Mayfair Apartments pursuant to the West Carrollton Enterprise Zone Program. Motion passed (4 – 0). (Ward II Councilmember seat vacant).

7. Fire Engine Replacement for Station #24

City Manager Coleman presented to the Mayor and Council a request for a replacement fire engine for Fire Station # 24. City Manager Coleman advised the Mayor and Council that when the new Fire Station was opened last year, a reserve fire engine was placed “in service” at the location. CM Coleman noted that the fire engine is a 1993 Sutphen and is still a fairly good truck, but is beginning to have a number of mechanical problems and should be placed back in reserve and taken out of the first line of service. CM Coleman informed the Mayor and Council that SPLOST funds are available for the purchase of a new truck. In addition, CM Coleman advised that bids have been solicited and the low bidder is Pierce Fire Apparatus Company in the amount of \$427,231.00. CM Coleman noted that Pierce is a long time bidder of fire apparatus and builds a very good and reliable product.

Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to approve the purchase of a Replacement Fire Engine for Fire Station #24 from the low bidder, Pierce Fire Apparatus Company, in the amount of \$427,231.00. Motion passed (4 – 0). (Ward II Councilmember seat vacant).

8. Consideration of Property Purchase: Costley Property

City Manager Coleman advised the Mayor and Council that he has been re-approached by Mr. Curtis Costley regarding the possibility of the City purchasing a portion of his property. CM Coleman noted that during the past year, the City purchased the adjoining property (Hobbs Property) for future use as a large passive park and site for a roadway leading from Stewart Street over to Hwy 27 North. CM Coleman also advised that the 40 acres (tracts 3 and 4) plus an additional $\frac{3}{4}$ acre from the southwest tip of (tract 2) would provide the final piece of property required to move forward with the project in the future and would afford our waterways additional protection.

CM Coleman informed the Mayor and Council that in December of 2008, Mr. Hugh Bass conducted an appraisal of 47.28 acres of this property and estimated the value to be \$155,000. In June of 2009, Mr. Zack Albright appraised the value of the forty acres that we need at \$400,000, and in August 2009, Mr. Clint Duffy appraised the value of the same 47.28 acres that Mr. Bass appraised and estimated the value at \$283,000.

CM Coleman advised that Mr. Costley has agreed to reduce his price to \$6,000 per acre, for a total of \$244,500 for the property necessary to build the roadway in the preferred location. CM Coleman noted that if it is the Mayor and Council's desire to purchase this property, it may be paid for utilizing 2008 SPLOST Greenspace funds.

Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to approve purchase of 40 acres of property known as the Costley Property at a price of \$6,000 per acre for a total price of \$244,500 utilizing 2008 SPLOST Greenspace funds to pay for the property in order to provide the final property required to move forward with the large passive park project in the future. Motion passed (3 – 1) - Councilmember Balega opposed. (Ward II Councilmember seat vacant). (CLERK NOTE: ACTION ON SAID MOTION IS POSTPONED UNTIL THE NEXT MEETING AS DIRECTED IN THE FOLLOWING MOTION.)

Following a brief discussion with Councilmember Balega, Mayor Garner advised that he would like to postpone action on the Costley property purchase until the next meeting of the Mayor and Council.

Motion by Mayor Garner, seconded by Councilmember Byrd to postpone action on Costley property purchase until the next meeting of the Mayor and Council. Motion passed (3 – 1) - Councilmember Balega opposed. (Ward II Councilmember seat vacant).

9. Bid Award: 2009 SPLOST – Asphalt Resurfacing Project

Assistant City Manager Tim Grizzard advised the Mayor and Council that on September 10, 2009 staff opened bids for the resurfacing, milling and patching of city Streets with the following results.

Jackson Paving - Douglasville, GA	\$1,711,500.00
C.W. Mathews – Marietta, GA	\$1,772,216.00
Butch Thompson Ent. – Kennesaw, GA	\$1,683,525.00
Baldwin Paving Co., Inc. – Marietta, GA	\$1,941,794.00

ACM Grizzard advised that staff respectfully requests that the bid be awarded to the low bidder, Butch Thompson Enterprises of Kennesaw, GA, in the amount of \$1,683,525.00. ACM Grizzard advised that this is a unit rate bid and payment will be made on actual quantities installed, which are unlikely to be the actual bid award amount. **Motion by Councilmember Balega, seconded by Councilmember Maierhofer to award the bid for the Asphalt Resurfacing Project to the low bidder, Butch Thompson, Ent., in the amount of \$1,683,525. Motion passed (4 – 0). (Ward II Councilmember seat vacant).**

**10. Bid Award: Street Striping and Signage – Off – System Safety Program Project
GDOT Project No. CSSFT 0008 00 (967), CT.1**

ACM Grizzard advised the Mayor and Council that the City of Carrollton has received a grant from the Georgia DOT for re-striping streets, re-marking crosswalks, and replacing and installing new signs throughout portions of the City. ACM Grizzard reported that the grant required that the project be bid as a transportation project and the City opened sealed bids on September 8, 2009 with the following results:

Peak Pavement Marking, LLC of Columbus, GA:	\$ 87,113.50
Highway Services, Inc. of Douglasville, GA:	\$101,919.80

ACM Grizzard advised the Mayor and Council that staff respectfully requests that the project be awarded to the low bidder, Peak Pavement Marking, LLC, in the amount of \$87,113.50. ACM Grizzard also informed the Mayor and Council that this is a unit rate project and will be paid based on actual quantities of product installed, which will likely differ from the bid amount. In addition, ACM Grizzard reported that the project is funded by a Georgia DOT grant, but that any portion of the project that is not covered by the grant will be paid for by City of Carrollton funds.

Motion by Councilmember Byrd, seconded by Councilmember Maierhofer to award the bid for Georgia DOT Off – System Safety Program Project for Street Striping and Signage to the low bidder, Peak Pavement Marketing, LLC, in the amount of \$87,113.50 Motion passed (4 – 0). (Ward II Councilmember seat vacant).

11. Appointments: City/County Hospital Authority

Position No. 1 – (Steve Adams IS eligible for re-nomination)

1. Steve Adams
2. Terry Harper
3. Herchel Parmer

Position No. 2 – (Robert Anthony is NOT eligible for re-nomination)

1. Trent North
2. Robert McMillian
3. Derick Newton

Position No. 3 – (Norman Banks IS eligible for re-nomination)

1. Norman Banks
2. Harry Preston
3. Thomas S. Upchurch

Position No. 4 – (Howard Cobble IS eligible for re-nomination)

1. Howard Cobble
2. Allen Murrah
3. Gerald Pilgrim

- Position No. 5 – (Mary Covington IS eligible for re-nomination)
1. Mary Covington
 2. Jack Whitman
 3. Ed Harmon, Jr.
- Position No. 6 – (James Gill is NOT eligible for re-nomination)
1. Larry Boggs
 2. Howard B. “Rocky” Lipham
 3. Tim Warren
- Position No. 7 – (Daniel Jackson IS eligible for re-nomination)
1. Daniel Jackson
 2. Robert Kenimer
 3. Tom Stutts
- Position No. 8 – Formerly held by Danny Mabry
1. Matt McCord
 2. Robert G. Harris
 3. Fred O’Neal
- Position No. 9 – (Mike Steed IS eligible for re-nomination)
1. Mike Steed
 2. Milt Moss
 3. Brad Tuggle
- Position No. 10 – (Bob Stone IS eligible for re-nomination)
1. Bob Stone
 2. Barbara Green
 3. Stacy Blackmon
- Position No. 11 – (Peter Worthy is NOT eligible for re-nomination)
1. Johnny Tanner
 2. Greg Shadrix
 3. Dr. Bill Copeland

Motion by Councilmember Balega, seconded by Councilmember Byrd to approve joint recommendations, as detailed, for the City-County Hospital Authority and to forward same to Tanner Medical Center CEO Loy Howard. Motion passed (4 – 0). (Ward II Councilmember seat vacant).

12. Appointment: Carroll County Library Board

Motion by Mayor Garner, seconded by Councilmember Balega to reappoint Ms. Sally Bobick to an additional term on the Carroll County Library Board (term expiring June 30, 2012). Motion passed (4 – 0). (Ward II Councilmember seat vacant).

13. Appointments: Carrollton Area Convention & Visitors Bureau

Motion by Councilmember Maierhofer, seconded by Councilmember Byrd to reappoint Mr. Steve Redolfi (Lodging Representative) to an additional term (term expiring June 30, 2012) and to appoint Mr. Jim Agan for the At-Large Position on the Board (term expiring June 30, 2012). Motion passed (4 – 0). (Ward II Councilmember seat vacant).

VI. MAYOR AND COUNCIL ANNOUNCEMENTS

Mayor Garner expressed sympathy to the Lera Ivey family.

VII. CITY MANAGER ANNOUNCEMENTS

VIII. ADJOURN

There being no further business to come before the Mayor and Council, the meeting adjourned at 6:55 p.m.

The Agenda for Mayor and Council Meetings is available for review in the City Manager’s Office, 315 Bradley Street, Carrollton, Georgia and the City’s website, www.carrollton-ga.gov after 4:00 p.m. on the Friday prior to Council Meeting. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request at the number listed above.